

JPA #90-89

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF NOGALES

KR 90-2366

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF NOGALES, hereinafter called "CITY",

WHEREAS, the STATE is empowered by Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, the CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the City of Nogales. This work shall consist of the installation of new traffic signals at the following location:

SR 189 at Congress Street
MP 3.21 - City of Nogales
Project H0489-04C F-032-1-503 189 SC 2

DRAFTING

FILED WITH 2046112 OF 2151

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under
Master
Maintenance

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals on SR 189 at Congress Street, MP 3.21 in the City of Nogales.

2. The STATE will be responsible for any contractor claims for extra compensation attributable to State.

3. The CITY, upon completion of the work shall reimburse the State for 25% of the final construction and engineering costs on SR 189 at Congress Street, MP 3.21, not to exceed \$20,000 for its share of the cost of the work.

4. The CITY will be responsible for any contractor claims for extra compensation attributable to the City.

5. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals are complete, in place, and functional.

6. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S §38-511.

7. The provisions of A.R.S. §35-214 are applicable to this Agreement.

8. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

9. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

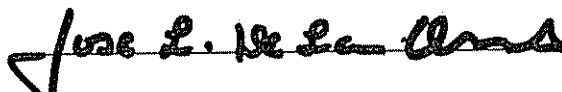

State Traffic Engineer

DATE:

September 7, 1990

CITY OF NOGALES

BY:


Mayor

TITLE:

DATE:

7-9-90

ATTEST:



City Clerk

EXHIBIT "B"

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF NOGALES and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 9 day of July, 1990.

CITY OF NOGALES

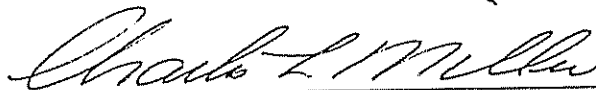
BY:

Maley Peterson
City Attorney

CONSTRUCTION - TRAFFIC SIGNALS
SR 189 at Congress Street
Project H0489-04C F-032-1-503 189 SC 2
CITY OF NOGALES

RESOLUTION

BE IT RESOLVED on this 18th day of June, 19 90, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF NOGALES for the installation of traffic signals and/or highway lighting justified by a signal warrant study. The City of Nogales shall reimburse the STATE for 25% of the final construction and engineering costs not to exceed \$20,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



CHARLES L. MILLER, Director
ARIZONA DEPARTMENT OF TRANSPORTATION

EXHIBIT "A"

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF NOGALES HELD AT
NOGALES CITY HALL ON THURSDAY, JULY 5, 1990 AT
6:00 P.M.

The meeting was called to order and the Pledge of Allegiance was recited.

Present were Mayor Jose Luis De La Ossa, Alderwoman Rebecca Bregen, Aldermen Ramon Paz, Marco Rivera, Victor Sesteaga, Gene Cota; City Attorney M. Maley Peterson and Assistant Administrator Earl W. Sires.

APPROVAL OF CONSTRUCTION INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NOGALES AND ARIZONA DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF TRAFFIC SIGNALS AT SR 189 AT CONGRESS STREET

Ms. Peterson explained to the City Council that this was an agreement between the City of Nogales and the Arizona Department of Transportation that would provide for the state to 50%, the city 25% and the county 25% for the installation of traffic signals at SR 189 at Congress Street, the city's cost not to exceed \$20,000.00. Also she said that the City would have the responsibility of paying the electrical costs.

On discussion, Alderman Rivera directed Ms. Peterson to inquire if the developers of the area would also be contributing to the costs for installation.

After discussion, Alderman Rivera moved and Alderwoman Bregen seconded to approve the Intergovernmental Agreement between the City of Nogales and the Arizona Department of Transportation for installation of traffic signals at SR 189 at Congress Street and approve the Letter Addendum for maintenance of said traffic signals.

All members present voted aye. Motion carried.

STATE OF ARIZONA)
) ss.
COUNTY OF SANTA CRUZ)

I, Earl W. Sires, the duly appointed, qualified and acting City Clerk of the City of Nogales, a Municipal Corporation within Santa Cruz

County, State of Arizona, do hereby certify that the foregoing is a true and correct excerpt of a meeting of the Mayor and Board of Aldermen of the City of Nogales, which meeting was duly and lawfully held at the hour of 6:00 p.m. on July 5, 1990, at the City Hall of Nogales, Arizona, and that I personally attended said meeting and the foregoing proceedings were in fact held as in said excerpt specified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Nogales this 20th day of August, 1990.



Earl W. Sires
City Clerk/Asst. Administrator



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR 90-2366, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18 day of September 1990

ROBERT K. CORBIN
Attorney General

for Assistant
Assistant Attorney General
Transportation Division

NO. 15197

FILED WITH SECRETARY OF STATE

Date Filed 9/28/90

Jim Shumway

Secretary of State

By Ving V. Greenwood